

REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 1 and 3-38 are pending in the application, with claims 1, 11, and 21 being independent. Claims 21 and 26 have been amended to attend to informalities therein. No new matter has been added.

CONSIDERATION OF PREVIOUSLY FILED INFORMATION DISCLOSURE STATEMENTS

Initially, Applicant respectfully requests return of the initialed PTO-1449 forms from the Supplemental Information Disclosure Statements dated July 25, 2005 and August 19, 2005, indicating that the documents listed thereon have been considered.

§ 112 REJECTION

Claim 21 was rejected under 35 U.S.C. § 112, second paragraph, as lacking antecedent basis for the term "said second service switching point." Claim 21 has been amended herein to attend to this informality. Applicant submits that claims 1 and 3-38 comply with all aspects of § 112.

§ 103 REJECTIONS

Claims 1, 3-5, 8, 10, 11, 13-16, 21-25, 28, 32-35, and 37 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,233,325 B1 (Frech et al.).

This rejection is respectfully traversed.

Independent claim 1 is directed to a method of providing audible caller information, and recites, among other things, "replacing a telephone directory number associated with the services node with a telephone directory number associated with the first telephone station," and "audibly communicating the information associated with the first telephone station to the second telephone station and visually communicating the telephone directory number of the first telephone station that replaced the telephone directory number associated with the services node via the second telephone call and the second service switching point."

As described in the background section of the subject application, "in existing audio Caller ID services, for those subscribing to both visual Caller ID and Audio caller ID, the calling number information displayed on the CLID [(caller line identity display)] is incorrect. Rather than displaying the number from which the call was placed, the CLID displays the number of the services node used to complete the call." Applicant's invention remedies this problem by replacing a telephone directory number associated with the services node with a telephone directory number associated with the first telephone station. In this manner, the telephone directory number of the first telephone station (i.e., the calling party) can be visually communicated to the CLID of the subscriber.

Frech et al. fails to disclose or suggest such features.

Frech et al. is directed to an audible calling party identification announcement service, and discloses, at column 2, lines 15-46, that:

upon receipt of a call to a party having announcement service, the call is forwarded ... to a centralized service circuit node/intelligent peripheral (SCN/IP) ...; the SCN/IP at some point queries a data base with the received calling directory number (typically obtained

by automatic number identification ANI) in order to determine the text version of the calling customer's name; this text version is returned to the SCN/IP and will be used for synthesizing subsequent announcement to the called party; the SCN/IP, in response to instructions from a data base, originates an outgoing call via the terminating switch to the called party, a call which is recognized by the data base in a subsequent query from the terminating switch as originating from the SCN/IP and therefore not to be forwarded but to be terminated to the called party; when the called station goes off hook, the SCN/IP plays a synthesized announcement of the caller's name, and waits for a signal indicating acceptance or rejection of the call; when the called station signals to the SCN/IP that the called party wishes to answer the call, the SCN/IP sends an indication to the terminating switch that the called station is to be connected directly to the calling station and the connection to the SCN/IP is to be dropped

However, Frech et al. fails to disclose or suggest (1) "replacing a telephone directory number associated with the services node with a telephone directory number associated with the first telephone station," and (2) "visually communicating the telephone directory number of the first telephone station that replaced the telephone directory number associated with the services node via the second telephone call and the second service switching point." This is not surprising since Frech et al. is only with audible caller announcement, and not with visual caller ID and its associated problems.

(1) The Office Action asserts on page 3 that "since call legs 152 and 153 are being disconnected after the direct connection between call legs 151 and the called party's line is established (see fig. 1; col. 7, lines 1-4) it is inherent that the directory number assigned to the SCNP/IP is replaced by directory number associated with the calling station." Applicant respectfully disagrees, since the system of Frech et al. does not necessarily replace the directory number assigned to the SCNP/IP with the directory number associated with the calling station. In fact, there is no reason for the system of Frech et al. to do so.

"To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill.'" MPEP § 2112 (IV) (citing *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999)).

In this case, Frech et al. is directed to an audible caller ID system which plays a synthesized announcement of the caller's name and waits for a signal from the called party indicating acceptance or rejection of the call. The announcement of the caller's name is obtained by the SCN/IP querying a database. When the called station signals to the SCN/IP that the called party wishes to answer the call, the SCN/IP sends an indication to the terminating switch that the called station is to be connected directly to the calling station and the connection to the SCN/IP is to be dropped. However, simply because the called station is connected directly to the calling station does not necessarily require that the telephone directory number associated with the services node be replaced with a telephone directory number associated with the first telephone station, as recited in independent claim 1. Rather, since the called party has already accepted the call, there is no need for the number associated with the SCN/IP to be replaced by the directory number of the calling party in the audible caller ID system of Frech et al.

(2) Also, as acknowledged on page 3 of the Office Action, Frech et al. fails to disclose or suggest "visually communicating the telephone directory number of the first telephone station that replaced the telephone directory number associated with the services node via the second call and the second service switching point," as recited in independent claim 1.

The Office Action takes official notice of the fact that “displaying the telephone directory number of the first telephone station that replaced the telephone directory number associated with the services node via the second call and the second service switching point are well known in the art.” Thus, according to the Office Action, “it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Frech such that the called party’s display unit can display the caller ID information to the called party in order to allow the called party to decide whether he will accept the call.”

Applicant respectfully disagrees, because even if the officially-noticed facts were true, there is no motivation to modify Frech et al. as suggested in the Office Action. Rather, Frech et al. teaches away from such a modification. As noted above, Frech et al. disclose an audible caller ID system, in which the identity of the calling party is announced to the called party audibly. Frech et al. states that “[a] disadvantage of regular calling number/name identification is that it requires special equipment to display the number or name at any receiving telephone station” (col. 1, lines 26-28). The system of Frech et al. overcomes this disadvantage by providing an announcement that is receivable on any telephone instrument without requiring the special display equipment. Thus, it would not have been obvious to one of ordinary skill in the art to modify the system of Frech et al. to “visually communicating the telephone directory number of the first telephone station that replaced the telephone directory number associated with the services node via the second call and the second service switching point,” as recited in independent claim 1.

Applicant also traverses the taking of Official Notice because the allegedly well known facts are not capable of "instant and unquestionable demonstration," as required to make a rejection based on Official Notice, especially in a final rejection. See MPEP § 2144.03(A). Applicant submits that the facts, of which the Office Action takes Official Notice, if known at all, are not well known in the art to which the claimed invention pertains. The fact that the Office Action cites eight different documents to reject the pending claims, yet none of those documents suggests the foregoing feature of claim 1, further supports the position that the Noticed facts are not well known in the relevant art.

For at least the foregoing reasons, independent claim 1 is allowable over the Frech et al. patent.

Independent claims 11 and 21 are directed to an advanced intelligent network and to a system for audibly announcing information, respectively, and each is allowable for reasons similar to those discussed above with respect to independent claim 1.

Dependent claims 3-5, 8, 10, 13-16, 22-25, 28, 32-35, and 37 depend from one of independent claims 1, 11, and 21, and each is allowable by virtue of its dependency from the respective base claim, as well as for the additional features that it recites.

Claims 6 and 35 were rejected under 35 U.S.C. § 103(a) as being obvious over Frech et al. in view of U.S. Patent No. 5,850,435 (Devillier). This rejection is respectfully traversed.

Claims 6 and 35 depend from one of independent claims 1 and 21 and, therefore, include all of the features of the respective base claim.

Devillier was cited on page 7 of the Office Action for its alleged teaching of “connecting the calling party with the voice mail of the second telephone station,” but fails to remedy the deficiencies in Frech et al. noted above with respect to independent claims 1 and 21. In particular, Devillier fails to disclose or suggest “replacing a telephone directory number associated with the services node with a telephone directory number associated with the first telephone station,” and “visually communicating the telephone directory number of the first telephone station that replaced the telephone directory number associated with the services node via the second telephone call and the second service switching point.”

Accordingly, claims 6 and 35 are allowable by virtue of their dependency from claims 1 and 21, respectively, as well as for the additional features that they recite.

Claim 7 was rejected under 35 U.S.C. § 103(a) as being obvious over Frech et al. in view of U.S. Patent No. 5,481,602 (Griffiths et al.). This rejection is respectfully traversed.

Claim 7 depends from independent claim 1 and, therefore, includes all of the features of that claim.

Griffiths et al. was cited on page 8 of the Office Action for its alleged teaching of “playing ringing to the calling party until a timer expires,” but fails to remedy the deficiencies in Frech et al. noted above with respect to independent claim 1. In particular, Griffiths et al. fails to disclose or suggest “replacing a telephone directory number associated with the services node with a telephone directory number associated with the first telephone station,” and “visually communicating the telephone directory

number of the first telephone station that replaced the telephone directory number associated with the services node via the second telephone call and the second service switching point.”

Accordingly, claim 7 is allowable by virtue of its dependency from claim 1, as well as for the additional features that it recites.

Claims 9, 17, and 27 were rejected under 35 U.S.C. § 103(a) as being obvious over Frech et al. in view of U.S. Patent No. 6,141,409 (Madoch et al.). This rejection is respectfully traversed.

Claims 9, 17, and 27 depend from one of independent claims 1, 11, and 21 and, therefore, include all of the features of the respective base claim.

Madoch et al. was cited on page 9 of the Office Action for its alleged teaching of “at the service control point, querying a second service control point for the originating number,” the originating number inherently being stored in a database. The Office Action also cites Madoch et al. for its alleged teaching that “if no information is found in the database at the service control point, querying a second service control point for the originating number” and that “at the service control point, transmitting the information associated with the first telephone station to the services control node.” However, Madoch et al. fails to remedy the deficiencies in Frech et al. noted above with respect to independent claims 1, 11, and 21. In particular, Madoch et al. fails to disclose or suggest “replacing a telephone directory number associated with the services node with a telephone directory number associated with the first telephone station,” and “visually communicating the telephone directory number of the first telephone station that replaced

the telephone directory number associated with the services node via the second telephone call and the second service switching point.”

Accordingly, claims 9, 17, and 27 are allowable by virtue of their dependency from claims 1, 11, and 21, respectively, as well as for the additional features that they recite.

Claim 12 was rejected under 35 U.S.C. § 103(a) as being obvious over Frech et al. in view of U.S. Patent No. 6,404,875 B2 (Malik et al.). This rejection is respectfully traversed.

Claim 12 depends from independent claim 11 and, therefore, includes all of the features of that claim.

Malik et al. was cited on page 10 of the Office Action for its alleged teaching of “retrieving at least more than 15 characters of data from the database,” but fails to remedy the deficiencies in Frech et al. noted above with respect to independent claim 11. In particular, Malik et al. fails to disclose or suggest “replacing a telephone directory number associated with the services node with a telephone directory number associated with the first telephone station,” and “visually communicating the telephone directory number of the first telephone station that replaced the telephone directory number associated with the services node via the second telephone call and the second service switching point.”

Accordingly, claim 12 is allowable by virtue of its dependency from claim 11, as well as for the additional features that it recites.

In particular, **dependent claim 12** recites “wherein identifying information associated with the first telephone station comprises: retrieving at least more than 15 characters of data from said database.” The Office Action asserts that these features are taught by Malik et al. However, while Malik et al. discloses “constructing an outpulse string” having over 15 characters and sending it to a Service Switching Point, there is no disclosure or suggestion in Malik et al. that the outpulse string includes “identifying information” associated with a first telephone station, or that the outpulse string is retrieved from a database, as recited in dependent claim 12. Accordingly, claim 12 is allowable for at least these additional reasons.

Claims 18-20 and 29-31 were rejected under 35 U.S.C. § 103(a) as being obvious over Frech et al. in view of U.S. Patent No. 6,400,809 B1 (Bossemeyer, Jr. et al.). This rejection is respectfully traversed.

Claims 18-20 and 29-31 depend from one of independent claims 11 and 21 and, therefore, include all of the features of the respective base claim.

Bossemeyer, Jr. et al. was cited on page 10 of the Office Action for its alleged teaching of “converting textual caller information to text-to-speech format by means of pre-processor,” but fails to remedy the deficiencies in Frech et al. noted above with respect to independent claims 11 and 21. In particular, Bossemeyer, Jr. et al. fails to disclose or suggest “replacing a telephone directory number associated with the services node with a telephone directory number associated with the first telephone station,” and “visually communicating the telephone directory number of the first telephone station

that replaced the telephone directory number associated with the services node via the second telephone call and the second service switching point.”

Accordingly, claims 18-20 and 29-31 are allowable by virtue of their dependency from claims 11 and 21, respectively, as well as for the additional features that they recite.

Claim 23 was rejected under 35 U.S.C. § 103(a) as being obvious over Frech et al. in view of U.S. Patent No. 6,363,411 B1 (Dugan et al.). This rejection is respectfully traversed.

Claim 23 depends from independent claim 21 and, therefore, includes all of the features of that claim.

Dugan et al. was cited on page 12 of the Office Action for its alleged teaching that “DTMF tones is detected in response to system prompts,” but fails to remedy the deficiencies in Frech et al. noted above with respect to independent claim 21. In particular, Dugan et al. fails to disclose or suggest “replacing a telephone directory number associated with the services node with a telephone directory number associated with the first telephone station,” and “visually communicating the telephone directory number of the first telephone station that replaced the telephone directory number associated with the services node via the second telephone call and the second service switching point.”

Accordingly, claim 23 is allowable by virtue of its dependency from claim 21, as well as for the additional features that it recites.

Claims 26 and 38 were rejected under 35 U.S.C. § 103(a) as being obvious over Frech et al. in view of U.S. Patent No. 5,812,533 (Cox et al.). This rejection is respectfully traversed.

Claims 26 and 38 depend from one of independent claims 1 and 21 and, therefore, include all of the features of the respective base claim.

Cox et al. was cited on page 13 of the Office Action for its alleged teaching of "retrieving at least 50 characters of information from the database," but fails to remedy the deficiencies in Frech et al. noted above with respect to independent claims 1 and 21. In particular, Cox et al. fails to disclose or suggest "replacing a telephone directory number associated with the services node with a telephone directory number associated with the first telephone station," and "visually communicating the telephone directory number of the first telephone station that replaced the telephone directory number associated with the services node via the second telephone call and the second service switching point."

Accordingly, claims 26 and 38 are allowable by virtue of their dependency from claims 1 and 21, respectively, as well as for the additional features that they recite.

Claim 36 was rejected under 35 U.S.C. § 103(a) as being obvious over Frech et al. in view of Devillier and Griffiths et al. This rejection is respectfully traversed.

Claim 36 depends from independent claim 21 and, therefore, includes all of the features of that claim.

As discussed above, both Devillier and Griffiths et al. fail to remedy the deficiencies in Frech et al. noted above with respect to independent claim 21. In

particular, Devillier and Griffiths et al. both fail to disclose or suggest "replacing a telephone directory number associated with the services node with a telephone directory number associated with the first telephone station," and "visually communicating the telephone directory number of the first telephone station that replaced the telephone directory number associated with the services node via the second telephone call and the second service switching point."

Accordingly, claim 36 is allowable by virtue of its dependency from claim 21, as well as for the additional features that it recites.

CONCLUSION

For at least the foregoing reasons, claims 1 and 3-38 are in condition for allowance. Applicant respectfully requests reconsideration and withdrawal of the rejections and an early notice of allowance.

If any issue remains unresolved that would prevent allowance of this case, the Examiner is requested to contact the undersigned attorney to resolve the issue.

Respectfully submitted,

Date: _____

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